

FORMAL MEETING AGENDA BOARD OF SUPERVISORS

(and the Boards of Directors of the Flood Control District, Library District,
Stadium District, Improvement Districts, and/or Board of Deposit)

WEDNESDAY, APRIL 9, 2008

9:00 AM

Board of Supervisors' Auditorium
205 W. Jefferson
Phoenix, Arizona

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

*One or more members may attend telephonically.
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

STADIUM DISTRICT AGENDA

SD-1. PROCLAMATION - PARTNERSHIP PRIDE MONTH

Proclaim the month of April 2008 Partnership Pride Month in Maricopa County, Arizona as we celebrate the 10th Anniversary of the opening of Chase Field. The Arizona Diamondbacks and the Maricopa County Stadium District have successfully partnered together for over 10 years to construct, operate, and maintain Chase Field. (C6808011M00) (ADM5509)

BOARD OF SUPERVISORS

1. "Pet Showcase" by the Maricopa County Animal Care & Control.

STATUTORY HEARINGS

Clerk of the Board

2. LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Charles P Brown for a Special Event Liquor License: (SELL832) (F23249)

Business Name: Franciscan Renewal Center
Location: 5802 E. Lincoln Drive, Scottsdale, 85253
Date/Time: May 9, 2008, 6:00 p.m. to 9:00 p.m.

- b. Application filed by Teodomiro Perez Guzman for a Person-to-Person Transfer of a Series 7 Liquor License from Hilario Najera Vega: (MCLL6263) (AZ#07070585)

Business Name: Lighthouse
Location: 51391 Hwy 60, Aguila, 85320

- c. Application filed by Suchada Tirakul for a New Series 12 Liquor License: (MCLL6262) (AZ#12077494)

Business Name: Dara Thai Café
Location: 3655 W. Anthem Way, B127 Anthem, 85086

3. BINGO APPLICATION

Application filed by Linda Schmid for a Bingo License Permit. (ADM657-023):

Business Name: Velda Rose Estates HOA
Location: 5770 E. Colby, Mesa, 85205
Date/Time: Tuesdays, from 6:30 p.m. to 8:30 p.m.

Transportation

4. ROAD FILE DECLARATIONS

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

Road File No. (A392) – In the vicinity of Rio Verde Drive from 136th Street to the Intersection of Forest Road and Needle Rock Road (Supervisory District 2). (C6408136000)

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Sheriff

5. AMENDMENT TO IGA FOR LAW ENFORCEMENT SERVICES

Approve Amendment No. 2 to the Intergovernmental Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff's Office to delay implementation of increased service, with the exception of the full time Captain position and associated one-time costs including one vehicle, to be effective July 1, 2008.

Also, approve a reduction in Sheriff's FY 2007-08 General Fund (100) revenue and expenditure of \$346,199 in operating costs and \$187,721 in one-time costs for an FY 2007-08 total reduction of \$533,920. This amendment is effective retroactive January 1, 2008, and does not alter the duly adopted county budget for purposes of A.R.S. §42-17105, but rather reflects internal structural adjustments necessitated by the delay in providing IGA services. (C5008010202)

6. SALE AND TRANSFER OF CUSTODY OF ANIMALS

Pursuant to A.R.S. §11-251(9), approve the sale and custody of three mules that are no longer of use to the Sheriff's Office and too costly to maintain to Sergeant Wes Ellison #752 in consideration of \$1 each. Sergeant Ellison has been the primary handler, trainer and care provider of all three animals for several years. The mules are Vicky, a 30-year old; Lucille, a 9-year old with behavioral issues; and Rex, an 8-year old. If auctioned, these mules have a combined potential total value of \$1,650; however, the process to do so could become cumbersome and costly. The Sheriff's Office recommends releasing the mules to Sergeant Ellison's custody thus relieving the County of any further financial obligation. This item was continued from the March 26, 2008 meeting. **THIS ACTION ITEM REQUIRES A UNANIMOUS VOTE BY THE BOARD OF SUPERVISORS.** (C5008043M00) (ADM119)

7. ACCEPT DONATION FROM THE KACHINA KENNEL CLUB

Approve the acceptance of a monetary donation totaling \$750 to the Sheriff's Office from the Kachina Kennel Club for designated use by the MCSO Canine Unit. Approval of this item will allow the Sheriff's Office to accept and use \$750 in donated funds designated to support the Sheriff's canine activities. (C5008046M00)

8. ONE TIME ADDITION TO FLEET OF RICO VEHICLES AND ISSUE UNDERCOVER REGISTRATIONS AND NON-GOVERNMENTAL LICENSE PLATES, AND EXEMPT FROM MARKINGS

Approve the one time additions to fleet of two RICO vehicles with a 2003 Land Rover and 2005 Dodge valued at approximately \$50,000 seized under DR #07-43698. The annual estimated operating cost is \$5,000 per vehicle, which will be supported with RICO funds. Two current RICO vehicles are being retired in conjunction with these acquisitions, thus there is no increase to the RICO fleet. These vehicles will automatically be removed from MCSO fleet at the end of their useful life with no replacement from the general fund.

Also, approve the issuance of undercover registrations and non-governmental license plates, including exemptions from markings pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511. The vehicles will be used to conduct undercover law enforcement investigations. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. (C5008047M00) (ADM3104V)

9. WAIVER TO THE MARICOPA COUNTY EMPLOYEE LEAVE PLAN

Approve a waiver to the Maricopa County Employee Leave Plan V & VI, for Detective Mark Cockerham, who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while on duty September 18, 1999. The Industrial Injury case has been re-opened due to additional problems. Allow the payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective April 28, 2008. Any workers' compensation to this employee will be returned. (C5008048M00) (ADM3320-001)

Superintendent of Schools

10. ACCEPT MONETARY DONATIONS OF EXHIBITORS' FEES

Accept monetary donations of exhibitors' fees for the purpose of exhibiting educational materials and services and accept sponsor donations (monetary and/or in-kind) for the purpose of providing prizes, refreshments, and materials at an Educational Expo sponsored by the Maricopa County Superintendent of Schools Office on June 6, 2008. The planned venue for this Expo is the Glendale Civic Center at a cost of \$4,199. The monetary donations will fund the costs associated with the venue and marketing of the Educational Expo. Revenues from donations are anticipated to offset the cost of the expenses. Funds will be deposited and expended in the Superintendent of Schools Grant Fund (715) with a reporting category to ensure expenses are accounted for. (C3708020M00)

Treasurer

11. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Pursuant to A.R.S. §11-501, receive the Treasurer's Statement of Collections and Investment summary reports for February 2008, as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308018700) (ADM4006)

TRIAL COURTS

Juvenile Probation

12. CANCELLATION OF LEASE FOR THE JUVENILE PROBATION COMMUNITY JUSTICE CENTER

Authorize cancellation of Lease No. L7353 (C2706002400) for the Juvenile Probation Community Justice Center located at 7017 North 56th Avenue, Glendale, AZ. Further, authorize Real Estate Services staff to give notice of said lease cancellation to The Holland Estate Limited Partnership, an Arizona limited partnership, as Lessor. It is necessary to cancel the subject lease at the end of the current fiscal year due to non-appropriation of funds. The effective date of the lease cancellation is June 30, 2008. (C2706002400) (C2708010400)

Adult Probation

13. ISSUE NON-GOVERNMENTAL LICENSE PLATES AND EXEMPT VEHICLES FROM MARKINGS

Pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511, approve the issuance of non-governmental license plates and exemption from markings, for three 2008 Chevrolet Impalas asset numbers 52822, 52823, and 52824 which will be used on a full time basis for the supervision and surveillance of convicted sex offenders who reside in the community and are sentenced by the court to adult probation supervision. Exemptions granted remain in effect for a period of one year. A detailed cross-referenced list of vehicle identification numbers is kept on file with the Clerk of the Board. (C11080080000) (ADM3101V)

Superior Court Judges and Commissioners

14. EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN SECTION IV.A. SALARY ADVANCEMENT

Approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancements to be effective retroactively from June 4, 2007 to December 3, 2007 for seven Superior Court Human Resources staff as a result of a Market Range Study. The cost associated with the approval of this retroactive salary advancement request is \$16,020.80.

Also, request approval of pay rate corrections for the same seven staff from December 3, 2007 to March 9, 2008. The cost for the corrections is \$1,993.60. The total amount requested is \$18,014.40 and will be fully funded within the department's current budget. Due to some unresolved issues, the market study was not implemented for the seven staff until December 3, 2007. The market increases for most other Maricopa County departmental human resources staff were implemented on June 4, 2007. These payments represent the difference from June 4, 2007 until the actual implementation date of December 3, 2007 and correct the pay rates from that date forward. (List of employees on file in Office of the Clerk of the Board) (C3808015800)

COUNTY MANAGER

Office of the County Manager

15. ECONOMIC DEVELOPMENT CONTRACT FOR THE GREATER PHOENIX CONVENTION AND VISITORS BUREAU

Approve the FY 2007-08 nonprofit economic development contract with the Greater Phoenix Convention and Visitors Bureau for \$250,000 for purposes to include conducting familiarization trips for meeting planners considering booking conventions in the metro area; conducting sales missions to major cities to familiarize the selected markets; focusing on attracting "express" meetings market and multi-cultural organization meetings and conventions; developing and conducting a marketing campaign; highlighting the Maricopa County Events Center, Chase Field, or other county-owned sites in the Meeting Professional Guide; and other related activities. (C2008048000)

16. ECONOMIC DEVELOPMENT CONTRACT FOR THE EAST VALLEY PARTNERSHIP

Approve the FY2007-08 nonprofit economic development contract with the East Valley Partnership for \$15,000 for purposes to include collaboration with local and regional economic development agencies; support for foundational improvements in areas that highly impact the region; leadership and oversight for the East Valley; and promotion of a connection between economic development, workforce development, and training and education. (C2008049000)

DEPUTY COUNTY MANAGER

Management and Budget

17. ADMINISTRATIVE CORRECTION

Approve an administrative correction to action taken on January 16, 2008 (C4908024800) regarding amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2007 (440) Fund by:

Amending sections 1b and 2 from:

- 1.b) **Decrease** the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,238,031 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,146,863, which is the amount that has already been spent on the project.
2. Reduce the FY 2007-08 Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" expenditure appropriation by \$8,065,660, thereby reducing the County's overall General Fund budget.

To be replaced by:

- 1.b) **Decrease** the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,070,250 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,314,644, which is the amount that has already been spent on the project.
2. Transfer FY 2007-08 expenditure appropriation of \$8,053,755 from Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" to Non-Departmental (470) Non-Departmental Grant Fund (249) "Potential Fee Increases".

This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues. (C4908024801) (ADM1820)

Public Health

18. AMENDMENT TO CONTRACT FOR THE REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM

Approve Amendment No. 5 to Contract No. E6305001 between the Arizona Department of Economic Security (DES) and the Department of Public Health to provide grant funding for the Refugee Screening Medical Assistance Program. This amendment extends the term of this contract to June 30, 2009. The amendment also provides for an itemized service budget in the amount of \$138,563 for the budget term July 1, 2008 through June 30, 2009. This amendment also provides for Health Assessment services and states that payments rates shall remain the same as indicated on the Contract Information page of the first year of the contract. The fee-based reimbursement is estimated to be \$811,437 bringing the total budget amount for this term to \$950,000. Maricopa County Department of Public Health's FY 2008-09 indirect rate is currently 18.0%. This grant allows for full indirect; therefore, the estimated amount of \$144,915 is recoverable.

Also, approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$950,000 for fiscal year 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8604064208)

19. AMENDMENT TO IGA WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES

Approve Amendment No. 3 to Intergovernmental Agreement (IGA), grant award No. HR761070-004, between the Arizona Department of Health Services (ADHS) and the Department of Public Health, Women, Infants and Children (WIC) Nutritional Services. Amendment No. 3 will replace existing Price Sheet, page 15 with revised Price Sheet, in Amendment No. 3, page 2, deducting \$41,196 from indirect, and adding it to Professional and Outside Services. The Department of Public Health's FY 2007-08 indirect rate is 18%. The grant allows full indirect, estimated at \$3240. (\$268,696 are pass-through costs and are not eligible for indirect charges.) All other provisions shall remain unchanged. (C8608014303)

20. RESCIND PREVIOUS ACTION RELATED TO TRANSFER OF EXPENDITURE AUTHORITY

Rescind the action taken on January 16, 2008 under C8608049M00 which approved the transfer of expenditure authority, from Non-Departmental (470) Grant Fund (249), Expenditure Authority Reserve (4711) Line Item Potential Fee Increases to Public Health (860) Public Health Fee Fund (265). The previous action required an expenditure appropriation adjustment **decreasing** FY2007-2008 Non-Departmental (470) Grant Fund (249) by \$832,952 and **increasing** the FY 2007-08 Public Health (860) Public Health Fee Fund (265) by \$832,952.

The previous action was not required as expenditure authority and did not need to be transferred from department (470) fund (249) because the source of the funding for the increased expenditures in Public Health (860) Public Health Fee Fund (265) is grant funding. The only action required is an appropriations adjustment which will be put forth for Board approval in the corresponding agenda item C8608070M00. (C8608049M01)

21. EXPENDITURE APPROPRIATION FOR IMPROVEMENT OF THE PUBLIC HEALTH'S INFORMATION TECHNOLOGY AND TRANSITION OF PHIT FUNCTIONS

Approve an expenditure appropriation of Grant Fund Balance in the Public Health Fee Fund (Department 860, Fund 265) to support the improvement of the Public Health's Information Technology (PHIT) and transition of PHIT functions to the Maricopa County's Office of Enterprise Technology.

Pursuant to A.R.S. §42-17106(b), approve an expenditure appropriation adjustment to the Public Health Fee Fund (Department 860, Fund 265) in an amount of \$832,952. The funding to be expended from fund balance is grant funding. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105 a corresponding agenda item is found under C8608049M01. (C8608070M00)

22. STUDENT ROTATION TRAINING AGREEMENT WITH SODEXHO AMERICA, LLC FOR TRAINING EXPERIENCE

Approve the Affiliation Agreement entitled "Student Rotation Training Agreement" between Sodexho America, LLC and the Department of Public Health to provide training experience for Sodexho students in the Department of Public Health Office of Nutrition Services. The agreement is non-financial, and is effective from April 1, 2008 until June 30, 2012. (C8608068000)

23. IGA WITH ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY

Approve the Intergovernmental Agreement (IGA) between Arizona Board of Regents for and on behalf of Arizona State University (ASU) and Maricopa County Department of Public Health's Emergency Management Program (PHEM). This IGA will provide funding to ASU to develop a prototype multi-agenda simulation modeling environment that will enable PHEM to model the spatial aspects of the outbreak region, resource availability-attribute-behaviors, and the population characteristics. This IGA in the amount not-to-exceed \$50,000 will begin upon board approval to September 20, 2008. (C8608072200)

ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION

Justice System Planning

24. DONATIONS

Accept the following donations for the AZ METH PROJECT:

- a. Donation of \$1,000 from **Salt River Project** for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item titled "Meth Project," **increasing** the FY 2007-08 revenue and expenditure budgets by \$1,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C4208017M00) (ADM639-006)

- b. Donation of \$10,000 from **Arizona Public Service** for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item titled "Meth Project," **increasing** the FY 2007-08 revenue and expenditure budgets by \$10,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C4208019M00) (ADM639-006)

ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION

Human Services

25. AMENDMENT TO CONTRACT FOR SERVICES WITH COMTRANS, INC

Approve amendment No. 5 to contract between COMTRANS, Inc. and Maricopa County Human Services Department Special Transportation Program to **increase** the total contract value from \$500,000 to \$750,000. Funding for this contract is provided from a variety of Federal, State and private sources. All other terms remain the same. This contract does not contain any County general funds. (C2206141105)

26. CANCEL CONTRACT WITH AREA AGENCY ON AGING FOR VEHICLE LEASES

Cancel Contract C2208127100, between Area Agency on Aging and Maricopa County Human Services Department, for three vehicle leases in the amount of \$3.00. This contract cancellation is effective March 31, 2008. (C2208127101)

27. APPLY TO VARIOUS FEDERAL, STATE AND PRIVATE SECTOR SOURCES

Authorize the Maricopa County Human Services Department Community Services Program to submit ten (10) funding applications to various federal, state and private sector sources as detailed on Attachment B on file in the office of the Clerk of the Board.

Also, authorize the Chairman to approve the receipt of all such funds awarded during FY 2008-09 as a result of the corresponding grant requests. Attachment B provides details on indirect cost recovery and, unless otherwise indicated on Attachment B, all overhead/indirect costs are allowable and the FY 2009 authorized rate will be applied to the respective grants. The funding requested will not exceed \$8,945,000 in total. The Department's FY 2008-09 authorized indirect cost rate of 15.2% will be applied and total estimated indirect costs are \$379,339. Programs to be supported by the funding include:

1. Low-Income Home Weatherization and Utility Related Repair/Replacement Program - This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2009.
2. Utility Assistance – Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2009.

3. Homeless Prevention Services and Homeless Support Services – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2009.
4. Community Action Program Operations – Funding will be provided to twelve Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as information and referral services, operation of emergency food pantries, health fairs, and senior citizen meal programs.
5. Senior Adult Independent Living Program Case Management - through the provision of case management services, elderly and/or disabled clients will remain in their homes, keeping them out of the more costly program of ALTCS (Arizona Long Term Care System). (C22090183ZZ)

CHIEF FINANCIAL OFFICER

Animal Care & Control

28. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, approve the following kennel permits for the term of April 9, 2008 through April 8, 2009. The cost of each kennel permit is \$328:

- a. Patricia Clark, d.b.a. Clark Kennels, located at 6422 S. 35th Avenue, Phoenix AZ 85009. Permit #350. (Supervisory District 5) (C7908081C00) (ADM2304)
- b. Linda Herr, d.b.a. Herr Kennels, located at 2544 E. Via De Palmas, Gilbert AZ 85297. Permit #404. (Supervisory District 1) (C7908081C00) (ADM2304)
- c. Sharon Brown, d.b.a. Brown Kennels, located at 6328 E. Halifax, Mesa AZ 85205. Permit #425. (Supervisory District 2) (C7908081C00) (ADM2304)

Finance

29. FUND TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

30. AMENDMENT TO LEASE WITH DAVID B. GRUBLER, DDS, P.C.

Amend previous action on March 12, 2008 (C1808042B00) for Lease No. MC10174 to include previously unavailable information. The lease is with David B. Grubler, DDS, P.C. in a County-owned building located at 333 W. Hatcher Road, Phoenix, Arizona. This amendment will stipulate the area under lease, confirm the commencement date, revise the lease term and adjust the financial impact (revenue) statement as follows: 1) the area under lease is 990 square feet; 2) the lease term commences on May 1, 2008 through April 30, 2009; 3) the initial lease term is for one-year and provides four one-year renewal options; 4) rental rate is \$18.00 per square foot per year; and 5) the FY 2008 anticipated revenue is \$2,970.00, the FY 2009 anticipated revenue is \$14,850.00 and the FY 2010 revenue is not applicable. (C1808042B01)

31. LEASE WITH AMARE STOUDEMIRE ENTERPRISES FOR SECURITY BUILDING SPACE

Authorize a new lease, Lease MC10178, between Maricopa County, as landlord, and Amare Stoudemire Enterprises, Inc., an Arizona corporation, as tenant, for approximately 8,470 rentable square feet of space in Suite 1000 of the Security Building located at 234 N. Central Avenue, Phoenix, AZ, and authorize the Chairman to execute all necessary documents approved by County Counsel to complete this new revenue lease. The initial term of the lease is five years with one five-year renewal option and one additional three-year renewal option. Both renewal options are at tenant's discretion. The triple net (NNN) lease rate during the first term of the lease is \$18.00 per rentable square foot. The NNN rental rate during the first five-year renewal option term is \$23.19 per rentable square foot and the NNN rental rate during the second three-year renewal option term is \$26.88 per rentable square foot. The County is required to prepare the premises to vanilla shell condition or provide the tenant with an equivalent. (C1808043400)

Materials Management

32. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

08009-S Real Estate Rezoning Services (\$600,000 estimate/three years with three one-year renewal options) Price agreement to prepare and execute plans of action to maximize the value of County-owned parcels of excess land.

- Arizona Municipal Advisors
- CMX, LLC
- Community Sciences Corporation
- Hoskin Ryan Consultants, Inc.

ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES

Environmental Services

33. SOLE SOURCE CONTRACT TO REFURBISH ULV-FOGGING MACHINES

Approve a sole source contract with Public Health Equipment & Supply Co. in the amount not-to-exceed \$75,000 to refurbish ULV-Fogging Machines used for vector control activities. An informal competitive solicitation process was conducted by the Department of Materials Management to obtain the service of a firm to refurbish ULV-Fogging Machines used by Environmental Services in its vector control activities. The only vendor who responded to this solicitation was Public Health Equipment and Supply Co. who is the sole distributor for Clarke Mosquito Products in Arizona, Texas, New Mexico, and Oklahoma. This request will permit 10 Grizzly ULV-Fogging Machines to be refurbished in preparation for the upcoming mosquito season. Ten new Grizzly ULV-Fogging Machines would cost approximately \$125,000. Refurbishing this equipment will result in cost savings versus buying new equipment. (C8808007100)

34. NOTICE OF INTENT TO DISCHARGE FOR A PHASE II SMALL MUNICIPAL SEPARATE STORMWATER SYSTEM INDIVIDUAL PERMIT

Approve the submittal of a Notice of Intent to Discharge (NOI) to the Arizona Department of Environmental Quality (ADEQ) for a Phase II Small Municipal Separate Stormwater System Individual Permit and authorize the preparation of an application for an Individual Permit under provisions of the Federal Clean Water Act as adopted by the State of Arizona. The General Stormwater permit and subsequently the Individual Stormwater permit will provide Maricopa County as the permittee, coverage for stormwater discharges from portions of Maricopa County to the Waters of the United States. In accordance with the permit, the County will update its Stormwater Management Program designed to minimize surface water pollution caused by stormwater. The County has already provided a Stormwater Management Plan to ADEQ on March 10, 2003 for their review. This matter was discussed in Executive Session on December 13, 2007. (C8808008000)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS

Facilities Management

35. EXECUTIVE COMPENSATION PACKAGE

Approve an Executive Compensation Package (ECP) for Janet E. Palacino as an unclassified Department Director in the Facilities Management Department. If approved, this ECP request will deposit 80 hours of PTO and 40 hours of FML in addition to awarding Janet E. Palacino with a Schedule 4 Leave Accrual Rate effective February 4, 2008. (C7008037600) (ADM3308-002)

Transportation

36. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (The list is on file in the Clerk of the Board's office.) (ADM2007)

37. IGA FOR GUADALUPE STREET IMPROVEMENT PROJECT

Approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Guadalupe for the Guadalupe Street Improvement Project (Small Cities Transportation Assistance Program - SCTAP.) The County will provide SCTAP funding in FY 2007-08 in the amount of \$500,000 to Guadalupe for needed improvements to the following streets: North of Guadalupe Road, East of Avenida del Yaqui and West of the Highline Canal. (Supervisory District 5) (C6408161200)

BOARD OF SUPERVISORS

Clerk of the Board

38. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services (except for payroll vouchers) as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants (except for payroll vouchers) approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

SETTING OF HEARINGS

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

Planning and Development

39. CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the April 23, 2008 meeting. (List is on file in the Clerk of the Board's office) (F23255)

CONSENT AGENDA

Clerk of the Board

40. **ASRS Claims** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001)
41. **Canvass of Elections** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4300)
42. **Classification Changes** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723)
43. **Duplicate Warrants** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809)
44. **Market Ranges** – Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (List of additional and/or replacement market ranges are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3308-006)
45. **Minutes** – Approve the minutes of the Board of Supervisors meetings held February 26, 2007, June 18, 2007, June 20, 2007, June 21, 2007, September 19, 2007, October 31, 2007, December 3, 2007, December 9, 2007, December 13, 2007, December 17, 2007, January 2, 2008, January 14, 2008, January 22, 2008 and January 23, 2008.
46. **Precinct Committeemen** – Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701)
47. **Secured Tax Roll Corrections** – Approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM705)
48. **Settlement of Property Tax Cases** – Approve the settlement of tax cases dated April 9, 2008. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM704)

49. **Stale Dated Warrants** – The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816)
50. **Tax Abatements** – Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM708)

IMPROVEMENT DISTRICT AGENDA

- ID-1. Pursuant to A.R.S. §48-922, open and read bids for the paving of streets within the Plymouth Street Improvement District and refer bids to the Superintendent of Streets for verification and award to the lowest responsive bidder. (Supervisory District 2) (C6408172000)

FLOOD CONTROL DISTRICT AGENDA

FCD-1. MINUTES

Approve minutes of meeting held June 20, 2007, September 19, 2007, October 31, 2007, December 19, 2007 and January 2, 2008.

FCD-2. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

FCD-3. AGREEMENT FOR CONSTRUCTION OF THE OLIVE AVENUE BOX CULVERT ACROSS THE BNSF RAILWAY COMPANY

Approve General Agreement Number FCD 2008G001 between the Flood Control District of Maricopa County and the Burlington Northern Santa Fe (BNSF) Railway Company for the construction of the Olive Avenue Box Culvert across the BNSF Railway Company right-of-way at Olive Avenue and Reems Road as part of the Reems Road Channel and Basin Project (Project) (#470). The District agrees to pay the BNSF Railway Company for work estimated to be \$32,175.00. (C6908046M00)

LIBRARY DISTRICT AGENDA

LD-1. MINUTES

Approve the minutes of meeting held June 20, 2007, September 19, 2007 and December 19, 2007.

LD-2. AMENDMENT TO IGA FOR OPERATION OF A LIBRARY IN THE TOWN OF QUEEN CREEK

Approve the First Amendment to an Intergovernmental Agreement, dated May 2, 2007, between the Maricopa County Library District and the Town of Queen Creek for operation of a library in the Town of Queen Creek. The parties desire to amend the IGA to reflect a new location and related costs and services. The Town is building a new facility located at 21802 S. Ellsworth Road, Queen Creek. The District will relocate the branch when the new building is completed, approximately August 2008. Other amendments include providing a site plan and building plan for the new facility; allowing either party to terminate this agreement with 180-day written notice; Queen Creek will pay the District \$87,092 for the purchase of computers and related equipment, and \$750,000 for the opening day collection of books, DVDs, etc.; convey ownership of the materials in the library portion of the building to the District; the District shall provide access to the Town of all library programs and materials within the District, hire and supervise all library staff, provide coordinated children's programming, reference collection development, Summer Reading Programs and encourage input from citizens in selection of material. (C6507031201)

STADIUM DISTRICT AGENDA

SD-2. MINUTES

Approve minutes of meeting held June 20, 2007, September 19, 2007, December 19, 2007 and January 2, 2008.

SD-3. CHASE FIELD SUBLICENSE AGREEMENT WITH THE ARIZONA DIAMONDBACKS FOUNDATION

Approve the "Chase Field Sublicense Agreement" between the Stadium District and the Arizona Diamondbacks Foundation (the "Foundation"). This agreement sublicenses the District's suite at Chase Field (Suite No. 22) to the Foundation to be used for the Foundation's charitable purposes. The agreement continues until notice of termination is given by either party. The Arizona Diamondbacks Foundation was formed as a 501(c)(3) charitable corporation pursuant to the Activities Agreement dated March 20, 1996 between the District and AZPB Limited Partnership (the Arizona Diamondbacks baseball team). This Chase Field Sublicense Agreement grants the Foundation the right to utilize the District Suite for its charitable purposes and grants the District Board members the right to each select ten qualifying organizations that may attend Diamondback games in the District Suite. (C6808010000)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

51. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605)
52. Supervisors'/County Manager's summary of current events. (ADM606)

****This page intentionally left blank****

*****The Board of Supervisors will now consider Code Enforcement Reviews.*****

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred.
New evidence is not considered at these hearings.**

CODE ENFORCEMENT REVIEW

PZ-1. Charles Dunning – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2007-01710, **Charles Dunning**. This matter was continued from the March 12, 2008 and March 26, 2008 meetings. (Supervisory District 4) (ADM3417-057)

*****The Board of Supervisors will now consider matters related to Planning and Zoning.*****

PLANNING AND ZONING AGENDA

CONSENT AGENDA: **(Detailed below)**

1. Z2007-085, Special Use Permit (SUP) for a Wireless Communication Facility (WCF) in the Rural-43 zoning district WCF Use District 1, located at the northwest corner of Jomax Road & the 131st Alignment (in the Peoria area) (District 4)
2. Z2007-102, Precise Plan of Development (PPD) in the C-2 Westside Military Airbase Zone 3 zoning district, located north of Glendale Road and east of Litchfield Road (in the west Glendale area) (District 4)
3. Z2007-134, Major Amendment to the R1-6 Residential Unit Plan of Development (RUPD) zoning district, bounded by 185th Avenue on the west, 183rd Drive on the east, Vogel Avenue on the south and Cinnabar Avenue on the north (in the northwest Glendale area) (District 4)
4. S2005-034, Amended Final Plat in the Rural-43 zoning district, located at the northeast corner of 7th Street and Joy Ranch Road (in the Desert Hills area) (District 3)

REGULAR AGENDA: **(Detailed below)**

5. DMP2007-006, Development Master Plan (DMP) Major Amendment to the Wigwam Creek DMP to change the land use designation from Commercial to Medium Density Residential, located at the northwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area) (District 4) (Continued from 02/06/08)
6. Z2006-147, Rezone from C-2 to R-3, located at the northwest corner of Camelback Road & El Mirage Road (in the Litchfield Park area) (District 4) (Continued from 02/06/08)
7. Z2006-158, Major Amendment to Special Use Permit (SUP) in the C-3 zoning district, at the northwest corner of Mews Road & Power Road (in the Queen Creek area) (District 1)

8. Z2000-124, Precise Plan of Development (PPD) in the IND-2 zoning district, located north of Gilbert Drive approximately 1,750' east of Scottsdale Road (in the north Tempe area) (District 1)

CONSENT AGENDA DETAIL:

1. **Z2007-085** District 4

Applicant: Michael Campbell for Alltel and Arizona State Land Department
Location: Northwest corner of Jomax Road and the 131st Avenue Alignment (in the Peoria area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) in the Rural-43 zoning district, WCF Use District 1 (approximately 0.13 acres) – Alltel Vistancia North

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-085, subject to stipulations “a” through “u”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Vistancia North”, consisting of two (2) sheets, dated revised December 11, 2007, and stamped received December 26, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Alltel Vistancia North”, consisting of nine (9) pages, dated revised December 21, 2007, and stamped received December 26, 2007, except as modified by the following stipulations.
- c. The height of the two wireless communication facilities shall be limited to 75' and 80', respectively.
- d. The total number of antenna arrays for the two (2) monopals shall be limited to three (3). Two (2) on the 80' (h) monopalm and one (1) on the 75' (h) monopalm.
- e. Equipment shelters, screening walls, and gates shall be painted to blend in with the surrounding landscape.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the surrounding area.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or zoning clearance for the site. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- i. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.

- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- m. A copy of the lease agreement from the State to access the site shall be provided to the Maricopa County Department of Transportation.
- n. A Minor Amendment shall be required to co-locate future carriers on the monopalm.
- o. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- p. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- q. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- u. At time of construction permit, the applicant and engineer shall design the deficiency as noted in the comment review memo dated February 27, 2008 for the plan and report dated February 13, 2008.

2. **Z2007-102** District 4

Applicant: Ideation Design Group for Terry and Concetta Hatton
Location: North of Glendale Road and east of Litchfield Road (in the west Glendale area)
Request: Precise Plan of Development for Automobile Sales with Outside Display in the C-2 zoning district, Westside Military Airbase Zone 3 overly zoning district (This site is also within the high noise and accident potential zone of Luke AFB) (approximately 0.52 acres site) – Auto Warehouse

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2007-102, subject to stipulations “a” through “o”. Commissioner Brooks seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled “Auto Warehouse”, consisting of two (2) full size sheets, dated revised February 28, 2008 and stamped received March 3, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Narrative Report for Precise Plan of Development”, consisting of four (4) pages, dated February 4, 2008, and stamped received February 8, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Auto Warehouse”, consisting of one (1) full-size sheet, dated revised February 4, 2008 and stamped received February 8, 2008, except as modified by the following stipulations.
- d. Development of the site shall comply with the following Maricopa County Department of Transportation (MCDOT) stipulations:
 1. All proposed improvements in existing R/W of Glendale Avenue per the City of Glendale.
 2. Driveway location per the City of Glendale.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All trees shall be double-staked when installed.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened.
- j. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review

and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- l. Prior to zoning clearance developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. Major changes to the Site Plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulation

3. **Z2007-134** District 4

Applicant: Earl, Curley, and Lagarde, PC for Trend Homes
Location: Bounded by 185th Avenue on the west, 183rd Drive on the east, Vogel Avenue on the south, and Cinnabar Avenue on the north (in the west Glendale area)
Request: Major Amendment to the R1-6 Residential Unit Plan of Development (RUPD) zoning district (approximately 24.8 acres) – Cortessa Parcel 7

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-134, subject to stipulations "a" through "n". Commissioner Johnson seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Zoning Exhibit for Cortessa Parcel 7" consisting of one (1) full-size sheet, dated revised November 5, 2007, and stamped received November 20, 2007, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the Narrative Report entitled "Narrative Report for Cortessa Parcel 7 consisting of fifteen (15) pages, dated revised November 7, 2007, and stamped received November 20, 2007 except as modified by the following stipulations.
- c. All other stipulations of DMP2003009, Z2003087, and S2003062 except as modified by the following stipulations.
- d. Within thirty (30) days of BOS approval, the applicant shall revise and resubmit the zoning exhibit and narrative report with the following RUPD table for Cortessa Parcel 7 as shown below. This amendment only applies to Parcel 7.

R1-6 Development Standard	Base Zoning District	Approved RUPD (Z2007134)
Min. Lot Width	60'	48' *
Min. Lot Area	6,000 sq. ft.	5,450 sq. ft.
Avg. Lot Area/D.U.	6,000 sq. ft.	6,000 sq. ft.
Front Setback	20'	10' **
Street-Side Setback	10'	<u>13' (or 8') ***</u>
Side Setback	5'	5'
Rear Setback	25'	15'
Min. Distance Between Buildings (Same Lot)	10'	13'
Max. Lot Coverage	40%	47%
Max. Building Height	30' & 2 stories	31' & 3 stories
Sight Triangles (Key Lots)	N/A	10' x 10' ****
Off-Street Parking		

* Flag lots are proposed that will have a min. "throat" width of 30' at the front setback line. Also note that the min. lot width requirement ranges from 48'-70' dependent upon the zoning parcel.

** Front setbacks are proposed at 10' for side-entry garages and forward living area, but front entry garages will be forced to meet a 15' setback (and 18' from the back of sidewalk).

*** Street-side setback is proposed at 13' but an allowance of only 8' is afforded if the lot is adjacent to a landscape tract rather than the street.

**** The M.C.Z.O. requires corner lots affected by key lots to keep all structures out of the required street-side yard. The applicant proposes a 10' x 10' key lot cut-out added onto the front yard of the key lot from the affected corner lot, thus ensuring an adequate clear-sight visibility triangle and allowing full use of the corner lot's street-side yard

- e. The applicable plan is 318 with Spanish or Tuscan elevations.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.

- i. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- j. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends".

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
 - l. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
 - m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
 - n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
4. **S2005-034** District 3
Applicant: Bob Diez, et al
Location: Northeast corner of 7th Street and Joy Ranch Road (in the Desert Hills area)
Request: Amended Final Plat for Apache Peak II to change a plat note related to drainage (approximately 33 acres)

REGULAR AGENDA DETAIL:

5. **DMP2007-006** District 4
(Continued from 02/06/08)

Applicant: Leadermark Homes, LLC for El Mirage Camelback, LLC
Location: Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)
Request: Major Amendment to the Wigwam Creek Development Master Plan DMP to change the land use designation from Commercial to Medium Density Residential (5-15 d.u./ac.) (approximately 20.47 gross acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2007-006, subject to stipulations “a” through “g”. Commissioner Barney seconded the motion, which passed with a majority vote of 7-1, with Commissioner Brooks dissenting.

- a. Development and use of the site shall comply with the narrative report entitled, “Narrative Report for an amendment to the Wigwam Creek Development Master Plan”, a document dated revised November 2, 2007 consisting of nine pages plus figures including a 24"x36" land use plan dated October 2007, except as modified by the following stipulations.
- b. If the final plat for this proposed project has not been approved within five (5) years from the date of development master plan amendment approval, this development master plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Commercial designation.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 1. The Applicant has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and among other things, shall address driveway access onto El Mirage Road and the need for dual left turn lanes on southbound El Mirage Road. The TIS must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit. The Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways and the ultimate half-width of all perimeter roadways. Roadways must meet all county standards. Roadway improvement plans must be approved and permitted by MCDOT.
 4. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process (602) 506-8797 to initiate the SLID process.
 5. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as

assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

d. The following Drainage Review stipulations shall apply:

1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- e. A quality of life assessment of \$596.00 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8 1/2 inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

g. All other stipulations approved by the Board of Supervisors for the Wigwam Creek Development Master Plan shall remain in effect.

6. **Z2006-147** District 4
(Continued from 02/06/08)

Applicant: Leadermark Homes, LLC for El Mirage Camelback, LLC
Location: Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)
Request: Rezone from C-2 to R-3 (approximately 17.3 net acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-147, subject to stipulations “a” through “o”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled, “The Villas at Camelback West – A Preliminary Plat and Precise Plan of Development for Rezoning”, consisting of fifteen (15) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled, “The Villas at Camelback West – A Preliminary Condominium Plat and a Zoning Change from C-2 to R-3”, consisting of twelve (12) pages, dated revised August 2, 2007, and stamped received September 5, 2007, except as modified by the following stipulations.
- c. Landscaping of the site shall be in substantial conformance with the landscape plan entitled, “The Villas at Camelback West”, consisting of nine (9) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1) The developer shall provide ultimate half-width improvements with pavement, curb, gutter, and sidewalk to El Mirage Road and Camelback Road.
 - 2) Off-Site improvements shall accommodate the anticipated traffic demand for this project.
 - 3) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit.
 - 4) All landscaping in county right-of-way shall conform to Chapter 9 of the MCDOT Roadway Design Manual.
- e. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- f. The master developer shall notify future homeowners that they are located within the state-defined “territory in the vicinity of a military airport” with the following language:

“You are buying a home or property in the ‘vicinity of a military airport’ as described by State of Arizona statute ARS §28-8481. Your residence should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- g. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- h. All trees shall be double-staked when installed.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to Final Plat approval, the developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- o. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

7. **Z2006-158** District 1

Applicant: Rose Law Group for San Tan Storage, LLC
Location: Northwest corner of Mews Road & Power Road (in the Queen Creek area)
Request: Major Amendment to an approved Special Use Permit (SUP) for a Mini-Storage facility in the C-3 zoning district (approximately 2.98 acres) – San Tan Storage

COMMISSION ACTION: Commissioner Brooks moved to recommend approval of Z2006-158, subject to stipulations “a” through “u”. Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “San Tan Storage”, consisting of two (2) full-size sheets, dated February 11, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled “San Tan Self-Storage”, consisting of five (5) pages, dated revised September 4, 2007, and stamped received February 12, 2008, except as modified by the following stipulations.
- c. This Special Use Permit (SUP) shall expire 14 years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The mini-storage facility shall operate seven (7) days a week. The office hours of the facility shall be 8:30 a.m. to 5:30 p.m. Monday through Saturday and 10:00 a.m. to 2:00 p.m. on Sundays. Gate access will be available from 7:00 a.m. to 7:00 p.m. with a provision to allow twenty-four hour limited access to select clients (i.e. first responders, governmental agencies, etc).
- e. Dedication of additional right(s)-of-way to bring the total half-width dedication to 55’ for Power Road and shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- f. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Power Road along the perimeter of the site.
- g. The following Drainage Review stipulations shall apply:
 - 1. The new culvert/channel along the east side of the property should be sized for the capacity of the existing channel.
 - 2. The volume required and volume provided in the Grading and Drainage Plan are correct. Please correct the Drainage Report to show the same.
 - 3. Please submit a bound copy of the Drainage Report. The Drainage Report must be signed and sealed by an Arizona Registered Civil Engineer.

4. "All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction."
 5. "Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards."
- h. All trees shall be double-staked when installed.
 - i. A continuous parapet shall screen all roof-mounted equipment.
 - j. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
 - k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
 - l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
 - m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
 - n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
 - o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
 - p. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
 - q. The applicant shall submit a written report outlining the status of the development at the end of one (1) and ten (10) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
 - r. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- t. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- u. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

8. **Z2000-124** District 1

Applicant: CMX Engineering for 202 Industrial Park, LLC
Location: North of Gilbert Drive, approximately 1,750' east of Scottsdale Road (in the Tempe area)
Request: Precise Plan of Development for a Wireless Communication Facility in the Ind-2 zoning district (approximately 3.0 acres site) – PHO Marylee

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2000-124, subject to stipulations “a’ through “p”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Verizon Wireless PHO Marylee, Case Z2000124”, consisting of seven (7) sheets, dated revised January 10, 2008 and stamped received February 11, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled “Project Narrative Verizon Marylee”, consisting of three (3) pages, dated (revised) January 2, 2008, and stamped received February 11, 2008, except as modified by the following stipulations.
- c. Within 30 days of approval of this Plan of Development by the Board of Supervisors, the applicant shall submit “As built permits” for all structures on the site that do not have registered permit according to Maricopa County records.
- d. The maximum height of the monopole shall not exceed 59’-2” as shown on the approved site plan.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review

and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. A Minor Amendment shall be required to co-locate future carriers on the monopole.
- j. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- k. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- l. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- m. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this entitlement as set forth in the Maricopa County Zoning Ordinance.
- p. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.